

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARINA BABAYEVA,

Plaintiff,

-against-

QUEENS HOSPITAL CENTER; QUEENS HEALTH  
NETWORK; and NEW YORK CITY HEALTH AND  
HOSPITALS CORPORATION,

Defendants.

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AMON, United States District Judge:

**NOT FOR PUBLICATION**  
**ORDER**  
07-CV-5367 (CBA)

Plaintiff filed this employment discrimination case *pro se* on December 26, 2007.

Plaintiff retained counsel in December 2008, and in a status conference on January 27, 2009, was granted permission to move to amend the complaint. Plaintiff seeks to include federal employment discrimination claims, discrimination claims under New York City and State laws, and claims under 42 U.S.C. § 1983 and 29 U.S.C. § 2601 *et seq.*, the Family and Medical Leave Act (“FMLA”). Defendants oppose this motion.

The motion was referred to the Honorable Lois Bloom, United States Magistrate Judge for the Eastern District of New York. Judge Bloom issued her Report and Recommendation (“R&R”) on May 7, 2009. Judge Bloom recommended that plaintiff’s motion be granted as to the FMLA claim, certain of the federal, state and city discrimination claims, and that it be denied as to the remaining discrimination claims and as to the section 1983 claim.

The time for objections, due at the latest on May 26, 2009, has expired. Although neither

party filed objections, plaintiff filed a letter on May 18, 2009, indicating that she would not object to the R&R. In reviewing a magistrate judge's R&R where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court finds no clear error.

Accordingly, the R&R is hereby adopted as the opinion of the Court. Plaintiff's motion to amend is granted as to 1) the federal employment discrimination claims made in plaintiff's April 13, 2007, EEOC charge which accrued on or after June 17, 2006, 2) all state and city human rights law claims which accrued on or after December 26, 2004, and 3) plaintiff's FMLA retaliation claim. Plaintiff's motion to amend is denied as to 1) all claims raised in her June 27, 2005, EEOC charge, 2) all federal employment discrimination claims which accrued before June 17, 2006, 3) all state or city human rights claims which accrued before December 26, 2004, and 4) all section 1983 claims.

Plaintiff has ten (10) days from the entry of this order to file an amended complaint in accordance with this order. Defendants shall respond to the amended complaint within ten days. Within ten days of defendants' answer to the amended complaint, the parties shall jointly propose an expedited discovery plan.

SO ORDERED.

Dated: Brooklyn, New York  
June 5, 2009

Carol Bagley Amon  
United States District Judge